

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
SEPTEMBER 23, 2009**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, September 23, 2009, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Absent
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Six of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Approval of the Minutes:

The following minutes were distributed to and examined by the Council:

1. August 19, 2009 regular Common Council meeting
2. August 19, 2009 6:40 p.m. public hearing concerning the proposed budget for the City of Jasper for the year 2010
3. August 19, 2009 6:50 p.m. public hearing concerning the petition of Phyllis L. Cox to rezone property at 1925 N. Newton Street from B-1 Business to B-3 Business

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Kevin Manley to approve the minutes as published. Motion carried 6 – 0.

Mayor Schmitt extended a Happy Birthday wish to City Attorney Sandra Hemmerlein.

Utility Service Board. General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on September 21, 2009. Copies of the minutes are supplied to each council member.

ORDINANCE NO. 2009-26 AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET (Portion of former 2nd Street)

This ordinance vacates a portion of the former 2nd Street – Jasper Leasing Company, Inc petition.

A motion was made by Council member David Prechtel, seconded by Council member John Schroeder and approved 6-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Ambrose 'Butch' Schitter and approved 6-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2009-26. Motion carried 6-0.

A public hearing concerning the vacation was held prior to this meeting. The vacation was recommended by the Utility Service Board.

ORDINANCE NO. 2009-28 CITY OF JASPER, INDIANA FAIR HOUSING ORDINANCE

This ordinance is a fair housing ordinance that contains provisions that are necessary to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin.

A motion was made by Council member Ambrose 'Butch' Schitter, seconded by Council member David Prechtel and approved 6-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council member Kevin Manley and approved 6-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Ambrose 'Butch' Schitter to pass and adopt Ordinance No. 2009-28. Motion carried 6-0.

City Attorney Sandra Hemmerlein said the City needs to adopt a fair housing ordinance prior to the awarding of a contract for the 4th Street Storm Sewer and Sidewalk Improvement project. This ordinance is a requirement by OCRA for a CDBG grant for program income.

4th Street storm sewer and sidewalk improvement project. Mayor Schmitt stated that at the August 25, 2009 Board of Public Works and Safety, the Board recommended the Council accept the low bid of \$135,881.33 submitted by Concrete Pavers, Inc for the 4th Street storm sewer and sidewalk improvement project.

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member John Schroeder to accept the bid submitted by Concrete Pavers Inc subject to the release of funds by OCRA. Motion carried 6-0.

ORDINANCE NO. 2009-27 AN ORDINANCE AMENDING ORDINANCE NO. 2008-27 ENTITLED ‘AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE CIVIL CITY OF JASPER, INDIANA, AND ITS EMPLOYEES FOR THE YEAR 2009’

This ordinance amends the civil city salary ordinance for 2009 to add three permanent part time positions to the Park Department--Depot Agent, Ticketing and Marketing Agent, and Miller.

A motion was made by Council member Ambrose ‘Butch’ Schitter, seconded by Council member Randy Buchta and approved 6-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member David Prechtel, seconded by Council member Thomas Schmidt and approved 6-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2009-27. Motion carried 6-0.

ORDINANCE NO. 2009-29 AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE ELECTED OFFICIALS AND THE CIVIL CITY EMPLOYEES OF THE CITY OF JASPER, INDIANA FOR THE YEAR 2010

This ordinance sets the 2010 salary and wage rates the same as it was for 2009.

A motion was made by Council member Ambrose ‘Butch’ Schitter, seconded by Council member David Prechtel and approved 6-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council member Thomas Schmidt and approved 6-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose ‘Butch’ Schitter and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2009-29. Motion carried 6-0.

ORDINANCE NO. 2009-30 AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE UTILITY EMPLOYEES OF THE CITY OF JASPER, INDIANA FOR THE YEAR 2010

This ordinance sets the 2010 salary and wage rates for utility employees the same as it was for 2009.

A motion was made by Council member John Schroeder, seconded by Council member David Prechtel and approved 6-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Randy Buchta and approved 6-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Ambrose ‘Butch’ Schitter to pass and adopt Ordinance No. 2009-30. Motion carried 6-0.

**ORDINANCE NO. 2009-22 AN ORDINANCE APPROPRIATING
ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR
THE REMAINDER OF THE YEAR ENDING DECEMBER 31, 2009**

A Notice to Taxpayers appeared in the Herald on August 26, 2009. First reading of the ordinance was held on August 19, 2009.

Mayor Schmitt asked for public comments regarding this ordinance. None were received.

A motion was made by Council member Thomas Schmidt, seconded by Council member Ambrose 'Butch' Schitter and approved 6-0 to have the ordinance read by title only on the second reading. The ordinance was so read. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council member David Prechtel and approved 6-0 to approve the ordinance on the second reading.

Under discussion Financial Coordinator Sharon Sander said everything in the ordinance is the same as it was on first reading and was prepared based on information determined at the budget hearings.

A motion was made by Council member Ambrose 'Butch' Schitter, seconded by Council member Kevin Manley and approved 6-0 to have the ordinance read on the third & final reading by title only. The ordinance was so read. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Randy Buchta to approve Ordinance No. 2009-22 on the third & final reading. Motion carried 6-0.

**ORDINANCE NO. 2009-23 AN ORDINANCE APPROPRIATING MONEY
FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2010**

This ordinance appropriates funds for the 2010 budget. First reading of the ordinance was held on August 19, 2009.

A motion was made by Council member David Prechtel, seconded by Council member Randy Buchta and approved 6-0 to read the ordinance by title only on the second reading. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter, seconded by Council member Thomas Schmidt and approved 6-0 to approve the ordinance on the second reading.

Under discussion Financial Coordinator Sharon Sander said the City has not received any additional budget information from the County.

Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter, seconded by Council member Kevin Manley and approved 6-0 to have the ordinance read on the third and final reading by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member John Schroeder to approve Ordinance No. 2009-23 on the third and final reading. Motion carried 6-0.

ORDINANCE NO. 2009-24 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010

This ordinance sets the 2009 pay 2010 tax rate for the 2010 advertised budget. First reading of the ordinance was held on August 19, 2009.

A motion was made by Council member Randy Buchta, seconded by Council member Ambrose 'Butch' Schitter and approved 6-0 to read the ordinance by title only on the second reading. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter, seconded by Council member Randy Buchta, and approved 6-0 to approve the ordinance on the second reading.

This ordinance shows an approximate property tax rate of 88 cents per 100 of assessed value. This rate is the maximum the rate can be for the 2009 pay 2010 tax rate.

Thereafter, a motion was made by Council member David Prechtel, seconded by Council member Thomas Schmidt and approved 6-0 to have the ordinance read on the third & final reading by title only. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Randall Buchta to approve Ordinance No. 2009-24 on the third & final reading. Motion carried 6-0.

ORDINANCE NO. 2009-31 AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES FOR THE SALE OF WATER BY THE JASPER MUNICIPAL WATER UTILITY

This ordinance changes the water rates and charges that will be effective for the billings which occur after December 1, 2009. The changes were recommended by the Utility Service Board.

A motion was made by Council member Randy Buchta, seconded by Council member Kevin Manley and approved 6-0 to read the ordinance by title only on the first reading. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Thomas Schmidt to approve the ordinance on first reading.

Under discussion, General Manager of Utilities Gerald 'Bud' Hauersperger distributed copies of the water utility rate study that was done by Umbaugh, certified public accountants from Indianapolis. He said the last study was done in 2003 and the last increase was phased in over a three-year period, 2004, 2005 and 2006. This report proposed a 37% increase. An average monthly bill based on 667 cubic feet would increase from \$25.93 to \$35.56.

City Attorney Sandra Hemmerlein reported there will be a public hearing before the next monthly meeting on October 21, 2009 at 6:45 p.m.

Dean Englert, 3403 Leslie Drive, said the City needs to reconsider the 37% increase because in this area and the rest of the country people have had to tighten their belts due to wage reductions, layoffs, and the decline in manufacturing. The Utility Service Board needs to look at how the utility departments can tighten their belts instead of increasing the rates. That's what businesses do, they don't just raise prices.

Mayor Schmitt said he sympathizes and understands, but you cannot produce water and sell it at a loss. We are well aware of the economic situation. Water is still a bargain since it is run by a municipality and not a privately owned business.

Dean Englert also said the City needs to look at the type of equipment that is purchased and watch the spending.

Hauersperger responded by saying reliability is a factor that must be considered when purchasing equipment. We must have quality equipment for the job and be able to get to the job sites.

Mayor Schmitt then called for the vote to approve Ordinance No. 2009-31 on first reading. Motion carried 6-0.

ADJOURNMENT. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 8:11 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 21st day of October, 2009.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary